# Vol. 41
# Index

# 2003-2004

# INDEX TO VOLUME 41

## TITLE INDEX OF ARTICLES


The Accidental Consistency: Extracting a Coherent Principle from the Jurisprudence Surrounding Solicitor Client Privilege Between the Police and the Crown
Marc S. Gorbet ..... 825

Brief Investigatory Detentions: A Critique of *R. v. Simpson*
Tim Quigley ..... 935

British Columbia Offshore Oil and Gas Law
Al Hudec and Van Penick ..... 101

Civil Procedure and Practice: Recent Developments
Glen H. Poelman, Eugene J. Bodnar, Wendy K. McCallum, James F. Maxwell, Kevin E. Barr and Kyla D. Sandwith ..... 449

The Crown's Duty to Consult Aboriginal People
Thomas Isaac and Anthony Knox ..... 49

E-Racing Racial Profiling
David M. Tanovich ..... 905

Evaluating Canada's New *Immigration and Refugee Protection Act* in its Global Context
Catherine Dauvergne ..... 725

Expert Evidence: The Ethical Responsibility of the Legal Profession
Tania M. Bubela ..... 853

A Failed Experiment? Investigative Detention: Ten Years Later
James Stribopoulos ..... 335

The Forgotten Constitution: The *Natural Resources Transfer Agreements* and Indian Livelihood Rights, ca. 1925-1933
Frank J. Tough ..... 999

From Many Different Stones: A House of Justice
The Honourable Claire L'Heureux-Dubé ..... 659

Gene Patents, Human Clones, and Biotechnology Policy:
The Challenges Created by Globalization
Timothy Caulfield ..... 713

Globalization, International Human Rights, and Civil Procedure
Trevor C.W. Farrow ..... 671

How Far Does the CAPL Travel A Comparative Overview of the
CAPL Model Form Operating Procedure and the AIPN Model
Form International Operating Agreement
Michael D. Josephson ..... 1

In a Poor State: The Long Road to Human Rights
Protection on the Basis of Social Condition
Lynn A. Iding ..... 513

Land Entitlement Under Treaty 8
Robert Metcs and Christopher G. Devlin ..... 951

Missing the Net: The Law and Economics of Alberta's NHL Players Tax
Donald J.S. Brean and Aldo Forgione ..... 425

Modernizing the Property Laws That Bind Us: Challenging
Traditional Property Law Concepts Unsuited to the
Realities of the Oil and Gas Industry
Alicia K. Quesnel ..... 159

The New Gay and Lesbian Partnerships Law in Germany
Greg Taylor ..... 573

Privilege and the In-House Counsel
Ken B. Mills ..... 79

Protecting and Supporting the Orphan Fund: Recent Legislative
and AEUB Policy Amendments Designed to Address Unfunded
Liabilities of Oil and Gas Facilities in Alberta
Danielle Brezina and Bradley Gilmour ..... 29

Recent Judicial Developments of Interest
to Oil and Gas Lawyers
Edward A. Leew and Michael A. Thackray ..... 245

Recent Regulatory and Legislative Developments
of Interest to Oil and Gas Lawyers
Stephen C. Lee and Joel Forrest ..... 189

Standing to Sue and Multiple Defendant Class Actions in Australia, Canada, and the United States
Vince Morabito ..... 295

Trade and the Environment: Competition, Cooperation or Confusion?
Donald McRae ..... 745

Turning Lead into Gold: The Uncertain Alchemy of "All Obligations" Clauses
Roderick J. Wood ..... 801

Understanding Sentencing Under the *Youth Criminal Justice Act*
Julian V. Roberts and Nicholas Bala ..... 395

## TITLE INDEX OF COMMENTS AND NOTES

The *Halpern* Transformation: Same-Sex Marriage, Civil Society, and the Limits of Liberal Law
F.C. DeCoste ..... 619

*Halpern v. Canada (A.G.)*
Julie C. Lloyd ..... 643

*Loutchansky v. Times Newspapers*: The Impact of the U.K.'s *Human Rights Act* on Private Law and a Comparison with the Canadian Approach
Christopher Waters ..... 761

A New Era in Metis Constitutional Rights: The Importance of *Powley* and *Blais*
Catherine Bell and Clayton Leonard ..... 1049

On "Educating Parents": State and Family in *Canadian Foundation for Children, Youth and the Law v. Canada (A.G.)*
F.C. DeCoste ..... 879

Raising the Bar: Maximizing Civility in Alberta Courtrooms
Susan N. Turner ..... 547

Reasonable Chastisement: A Critique of the Supreme Court of Canada's Decision in the "Spanking" Case
Sanjeev Anand ..... 871

## TITLE INDEX OF BOOKS REVIEWED

*The Constitutional Protection of Freedom of Expression*, Richard Moon (Toronto: University of Toronto Press, 2000)
Barbara Billingsley ..... 887

*Dispute Resolution: Readings and Case Studies*, Julie Macfarlane *et al.*, eds., 2d ed. (Toronto: Emond Montgomery, 2003)
Trevor C.W. Farrow ..... 559

*Judging Obscenity: A Critical History of Expert Evidence*, Christopher Nowlin (Montreal: McGill-Queen's University Press, 2003)
Mariana Valverde ..... 891

*The Myth of the Sacred: The Charter, the Courts, and the Politics of the Constitution in Canada*, Patrick James, Donald E. Abelson and Michael Lusztig, eds. (Montreal: McGill-Queens University Press, 2002)
Dennis Baker ..... 567

*Penal Populism and Public Opinion: Lessons from Five Countries*, J.V. Roberts, L.J. Stalans, D. Indemaur and M. Hough (Oxford: Oxford University Press, 2003)
Gilles Renaud ..... 797

*Why Terrorism Works: Understanding the Threat, Responding to the Challenge*, Alan M. Dershowitz (New Haven, CT: Yale University Press, 2002)
Wayne N. Renke ..... 771

## TITLE INDEX: MISCELLANEOUS

Forum: Same-Sex Unions and the Law: Introduction
Tim Outerbridge and Sharon Roberts ..... 569

Forum: "Stop in the Name of the Law": What Law? Racial Profiling and Police Practice in Canada: Making Progress on Understanding and Remedying Racial Profiling
Kent Roach ..... 895

Milvain Lecture: Advocacy in the New Millennium
Fred Ferguson ..... 527

Special Issue: Globalization and the Law: Introduction
Trevor C.W. Farrow and Sheilah L. Martin ..... 657

## AUTHOR INDEX TO VOLUME 41

Anand, Sanjeev ..... 871

Baker, Dennis ..... 567

Bala, Nicholas and Julian V. Roberts ..... 395

Barr, Kevin E., Glen H. Poelman, Eugene J. Bodnar,
Wendy K. McCallum, James F. Maxwell, and Kyla D. Sandwith ..... 449

Bell, Catherine and Clayton Leonard ..... 1049

Billingsley, Barbara ..... 887

Bodnar, Eugene J., Glen H. Poelman, Wendy K. McCallum,
James F. Maxwell, Kevin E. Barr and Kyla D. Sandwith ..... 449

Brean, Donald J.S. and Aldo Forgione ..... 425

Brezina, Danielle and Bradley Gilmour ..... 29

Bubela, Tania M. ..... 853

Caulfield, Timothy ..... 713

Dauvergne, Catherine ..... 725

DeCoste, F.C. ..... 619

DeCoste, F.C. ..... 879

Devlin, Christopher G. and Robert Metcs ..... 951

Farrow, Trevor C.W. ..... 559

Farrow, Trevor C.W. ..... 671

Farrow, Trevor C.W. and Sheilah L. Martin ..... 657

Ferguson, Fred ..... 527

Forgione, Aldo and Donald J.S. Brean ..... 425

Forrest, Joel and Stephen C. Lee ..... 189

Gilmour, Bradley and Danielle Brezina ..... 29

Gorbet, Marc S. ..... 825

Hudec, Al and Van Penick ..... 101

Iding, Lynn A. ..... 513

Isaac, Thomas and Anthony Knox ..... 49

Josephson, Michael D. ..... 1

Knox, Anthony and Thomas Isaac ..... 49

L'Heureux-Dubé, The Honourable Claire ..... 659

Lee, Stephen C. and Joel Forrest ..... 189

Leew, Edward A. and Michael A. Thackray ..... 245

Leonard, Clayton and Catherine Bell ..... 1049

Lloyd, Julie C. ..... 643

Martin, Sheilah L. and Trevor C.W. Farrow ..... 657

Maxwell, James F., Glen H. Poelman, Eugene J. Bodnar,
Wendy K. McCallum, Kevin E. Barr and Kyla D. Sandwith ..... 449

McCallum, Wendy K., Glen H. Poelman, Eugene J. Bodnar,
James F. Maxwell, Kevin E. Barr and Kyla D. Sandwith ..... 449

McRae, Donald ..... 745

Metcs, Robert and Christopher G. Devlin ..... 951

Mills, Ken B. ..... 79

Morabito, Vince ..... 295

Outerbridge, Tim and Sharon Roberts ..... 569

Penick, Van and Al Hudec ..... 101

Poelman, Glen H., Eugene J. Bodnar, Wendy K. McCallum,
James F. Maxwell, Kevin E. Barr and Kyla D. Sandwith ..... 449

Quesnel, Alicia K. ..... 159

Quigley, Tim ..... 935

Renaud, Gilles ..... 797

Renke, Wayne N. ..... 771

Roach, Kent ..... 895

Roberts, Julian V. and Nicholas Bala ..... 395

Roberts, Sharon and Tim Outerbridge ..... 569

Stribopoulos, James ..... 335

Tanovich, David M. ..... 905

Taylor, Greg ..... 573

Thackray, Michael A. and Edward A. Leew ..... 245

Tough, Frank J. ..... 999

Turner, Susan N. ..... 547

Valverde, Mariana ..... 891

Waters, Christopher ..... 761

Wood, Roderick J. ..... 801